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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Desai, Pratish R.

Attorney Docket No.: GENSP044

Application No.: 09/559,712

Examiner: Wong, Allen C.

Filed: April 26, 2000

Group: 2621

Title: METHOD AND APPARATUS FOR
DISPLAYING VIDEO

Confirmation No.: 1620

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on May 12, 2006 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: Linda L. Pollock

Linda Pollock

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests review of the rejections in the above-identified application. This request is being filed with a Notice of Appeal. Review is requested for the reasons stated in the accompanying remarks.

REMARKS

For the purpose of this PRE-APPEAL BRIEF REQUEST FOR REVIEW only, Applicant sets forth claim 22 immediately below as a representative claim. In specific instances below, Applicant also addresses features recited in other claims, including claims dependent on claim 22. Applicant reserves the right to argue each claim separately when and if an Appeal Brief is eventually filed.

22. (Previously Amended) A method of permitting a user to select a point in time occurring during playback of an audiovisual (A/V) program from which to initiate displaying said A/V program, said method comprising:

receiving a datastream comprising information for displaying said A/V program;

playing audio of a first segment of said A/V program while displaying video of said first segment of said A/V program wherein said first segment

corresponds to a first point in time occurring during normal playback of said A/V program;

playing audio of a second segment of said A/V program while displaying video of said second segment of said A/V program, wherein said second segment corresponds to a second point in time occurring during normal playback of said A/V program that is different from said first point in time; and

selecting directly either said first segment or said second segment corresponding to the point in time from where in said A/V program playback should be initiated.

Summary of Subject Matter of Claim 22 and Summary of Allegation of "Clear Error"

According to the subject matter of claim 22, a method is provided that permits a user to select a point in time occurring during playback of an audiovisual (A/V) program from which to initiate displaying the A/V program. In order for a user to select a point in time from which to initiate playback of the A/V program, audio and video content of a first segment of the A/V program corresponding to a first point in time and a second segment of the A/V program corresponding to a second point in time of the A/V program are played. It is important to note that the second point in time is different from the first point in time thereby precluding displaying segments of a contemporaneous event (such as required for selecting between multiple angles). The user can then select either the first or the second segment directly in order to designate the point in time from where the A/V program playback should be initiated.

While not the only distinction, the underlined portion in the previous paragraph is a distinction over the cited reference that Applicant has repeatedly argued is not present in, or suggested by, the cited reference. Not only has the Examiner has not addressed this distinction, but Applicant has provided clear arguments as to which this distinction is an actual one which makes the subject matter of claim 22 patentable over the cited reference.

The clear error in the Examiner's rejection is discussed in greater detail in the next section.

Detailed Discussion of Clear Error in the Examiner's Rejection of Claim 1

Claim 22 (as well as the other independent claims) remains rejected as being obvious over U.S. Patent No. 6,469,718 issued to Setogawa in view of U.S. Patent 6,728,477 issued to Watkins further in view of U.S. Patent 6,415,101 issued to deCarmo. The reviewers are respectfully referred to Applicant's complete Remarks on pages 7 - 9 of Response to Final Office Action G, Filed April 14, 2006. A recap is provided here.

While not the only distinction, the underlined portion set forth above, and repeated here

validates ... that the second point in time is different from the first point in time thereby precluding displaying segments of a contemporaneous event, is a distinction that that Applicant has repeatedly argued but that the Examiner has not addressed. While the clear error in the Examiner's rejection is discussed in detail in the next section, Applicant provides herewith a snippet of the communication to give the reviewers a flavor for the clear error, though the reviewers are, again, referred to Applicant's complete Remarks on pages 7- 9 of Response to Final Office Action G.

In Response to Final Office Action G, Applicant states (on page 7) that claim 22 clearly teaches a method that permits a user to select a point in time from which to initiate playback of an audio/video program that is based upon selecting either a first point in time corresponding to the first segment or the second point in time corresponding to the second segment where the first and the second points in time are different. In a previous Office Action (at page 2 line 17 of the Office Action mailed December 22, 2005) the Examiner clearly stated that "These multiple angles are obtained from that one point in time to obtain first and second segments, presentations or angles, and is taught in DeCarmo...". (emphasis added) Therefore, the Examiner has clearly stated that the multiple angles taught by DeCarmo must be from the same point in time. In this way, the Applicants are in agreement that DeCarmo teaches that the various presentations are obtained from only a single point in time. This is in stark contrast to the invention as recited in claim 22 requiring that the point in time to initiate playback of the A/V program is selected from points in time that are different from each other and not from a single point in time.

In the Advisory Action, the Examiner merely states, in part:

Claim 22 discloses that the first segment or the second segment corresponds at that one point in time, i.e., multiple angles. These multiple angles are obtained from that one point in time to obtain first and second segments, presentations, or angles and is taught in DeCarmo.

The Examiner has not properly responded to or otherwise addressed the Applicant's stated contention that claim 22 discloses multiple points in time.

Clear Error in the Examiner's Rejection of the Other Independent Claims

With regard to the remaining independent claims, for the purpose of this PRE-APPEAL BRIEF REQUEST FOR REVIEW only, Applicant respectfully submits that the Examiner is in clear error with respect to the rejection of the remaining independent claims for reasons discussed below.

In particular, claim 10 specifically requires:

an input to receive the audio and video datastream, said datastream comprising information for a plurality of different presentations of a video and an associated audio track wherein each of the plurality of different presentations are independently actionable by a user

In Response to Final Office Action G, Applicant states (on page 8)

Claim 10 teaches that each of the presentations is independently actionable by a user and therefore there are no primary or secondary views as required by deCarmo. In particular, the Examiner cited column 2, lines 17 - 27 of deCarmo that clearly require a primary and remaining view angles that are subordinated to the primary view. In deCarmo, any modifications to the primary view similarly affect all of the subordinate views (lines 22 - 23 column 2). In contrast, the invention provides for direct selection of any of the displayed views without designating any as being a primary or a secondary view since all displayed presentations are independent of each other. In this way, the invention provides for direct selection of a desired presentation without, as required by deCarmo, redefining a desired view as the primary view, which only then responds to a user provided command (such as a selection event).

In the Advisory Action, the Examiner does not address the fact that claim 10 specifically requires that the different presentations are independently actionable by a user. The Examiner merely states in part:

"...DeCarmo discloses that each of the presentations are actionable by the user and there are first and second presentations or view..." . The Examiner does not address the fact that claim 10 requires that the different presentations be independently actionable thereby precluding primary and subordinate views taught by DeCarmo.

In addition, for the purpose of this PRE-APPEAL BRIEF REQUEST FOR REVIEW only, Applicant respectfully submits that the Examiner is in clear error with respect to the rejection of the dependent claims for reasons similar to the reasons the rejection of independent claims 10 and 22 are in clear error.

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CONCLUSION

It is respectfully submitted that Examiner's rejections are in clear error and that this application is in condition for allowance. Notice to that effect is earnestly solicited.

Respectfully submitted,
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